

AMENDED IN ASSEMBLY MAY 31, 2007

AMENDED IN ASSEMBLY MAY 9, 2007

AMENDED IN ASSEMBLY APRIL 30, 2007

AMENDED IN ASSEMBLY APRIL 17, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1634

Introduced by Assembly Member Levine

(Principal coauthor: Senator Padilla)

**(Coauthor: Assembly Member Nava Coauthors: Assembly Members
Nava and Solorio)**

February 23, 2007

An act to add Chapter 9 (commencing with Section 122336) to Part 6 of Division 105 of the Health and Safety Code, relating to pets.

LEGISLATIVE COUNSEL'S DIGEST

AB 1634, as amended, Levine. California Healthy Pets Act.

Existing law sets forth provisions relating to veterinary public health and safety and provides for or regulates spay, neuter, and breeding programs for animals.

This bill would prohibit any person from owning or possessing any cat or dog over the age of 4 months that has not been spayed or neutered, unless that person possesses an intact permit, as defined. The bill would establish an intact permit fee in an amount to be determined by a local jurisdiction, and would require the revenue from these fees to be used for the administration of the local jurisdiction's permit program. The

bill would make a violation of these provisions punishable by a prescribed civil penalty. It would require all revenues derived from these civil penalties to be used for funding the outreach efforts in connection with, and the administration and enforcement of, these provisions, and, to the extent funding is available, free and low-cost spay and neuter programs, and outreach efforts for those programs, which would be required to be established by each local animal control agency.

By increasing the enforcement responsibility of local agencies, this bill would create a state-mandated local program.

The bill would become operative on April 1, 2008.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 California Healthy Pets Act.

3 SEC. 2. Chapter 9 (commencing with Section 122336) is added
4 to Part 6 of Division 105 of the Health and Safety Code, to read:

5
6 CHAPTER 9. SPAY AND NEUTER PROGRAM FOR CATS AND DOGS

7
8 Article 1. Definitions
9

10 122336. For purposes of this chapter, the following definitions
11 shall apply:

12 (a) "Intact permit" means a document issued annually by a local
13 jurisdiction or its local animal control agency if authorized to issue
14 these permits, that authorizes a person to own or possess within
15 that locality an unaltered cat or dog and meets the requirements
16 of subdivision (a) of Section 122336.2. A dog or cat license that
17 meets the requirements of subdivision (a) of Section 122336.2
18 shall be considered a permit for purposes of this chapter.

1 (b) “Local animal control agency” means the municipal or
2 county animal control agency or other entity responsible for
3 enforcing animal-related laws.

4 (c) “Local jurisdiction” means any city, county, or city and
5 county.

6 (d) “Spay or neuter” means any procedure, as performed by a
7 duly licensed veterinarian, that permanently sterilizes an animal
8 and makes it incapable of reproduction.

9
10 Article 2. General Provisions
11

12 122336.1. (a) ~~A-Subject to subdivision (c),~~ a person shall not
13 own or possess within the state any cat or dog over the age of four
14 months that has not been spayed or neutered, unless that person
15 possesses an intact permit, as defined in subdivision-~~(b)~~ (a) of
16 Section 122336.

17 (b) Subject to subdivision (c), any person who violates
18 subdivision (a) shall, for each animal for which a violation has
19 occurred, be subject to a civil penalty of five hundred dollars
20 (\$500). This penalty shall be imposed in addition to any other civil
21 or criminal penalties imposed by the local jurisdiction.

22 (c) If an owner of a cat or dog provides a letter from a California
23 licensed veterinarian indicating that due to age, poor health, or
24 illness, it is unsafe to spay or neuter the cat or dog and that
25 arrangements have been made to spay or neuter the cat or dog
26 within 75 days from the date the cat or dog reaches the age of four
27 months, and the owner has his or her cat or dog spayed *or neutered*
28 within that 75-day period, the owner shall not be in violation of
29 this act.

30 (d) Any civil penalty imposed under subdivision (b) may be
31 waived, in whole or in part, by the local jurisdiction if the person
32 in violation provides verification that his or her cat or dog has been
33 spayed or neutered.

34 (e) Any person who, ~~on or after April 1, 2008,~~ is in possession
35 of any document issued by the local jurisdiction or its authorized
36 local animal control agency that permits the owner to possess an
37 unaltered cat or dog shall be deemed in compliance with this act
38 until the document expires; or January 1, 2009, whichever occurs
39 first.

Article 3. Permits

122336.2. (a) A local jurisdiction shall issue an intact permit, as defined in subdivision (a) of Section 122336, if *the owner provides sufficient proof, as determined by the local jurisdiction or its authorized local animal control agency, that* any of the following conditions are met:

(1) The owner demonstrates, by providing a copy of his or her business license and federal and state tax number, or by other proof, as required by the local jurisdiction or its authorized local animal control agency, that he or she is doing business and is licensed as a breeder at a location for which the local jurisdiction or its authorized local animal control agency has issued a breeder license.

~~(2) The owner sufficiently demonstrates, as determined in the discretion of the local jurisdiction or its authorized local animal control agency, that his or her cat or dog is a valid breed that~~

(2) *The owner's cat or dog is a valid breed that* is recognized by an approved registry or association, and complies with at least one of the following:

(A) His or her cat or dog is used to show or compete and has competed in at least one legitimate show or sporting competition hosted by, or under the approval of, a recognized registry or association within the last two years, or by whatever proof is requested by the *local jurisdiction or its* authorized local animal control agency that the cat or dog is being trained to show or compete and is too young to have yet competed.

(B) The cat or dog has earned, or if under ~~two~~ *three* years old, is in the process of earning, a conformation, obedience, agility, carting, herding, protection, rally, sporting, working, or other title from an approved purebred registry or association.

~~(3) The owner provides proof to the local jurisdiction or its authorized local animal control agency that the dog is being trained or is documented as having been appropriately trained and meets the definition of guide dog, service dog, or signal dog, as set forth in subdivisions (d), (e), and (f) of Section 365.5 of the Penal Code.~~

~~(4) The owner provides proof to the local jurisdiction or its authorized local animal control agency that the dog is being trained, or is documented as having been appropriately trained, and actively~~

1 used by law enforcement agencies for law enforcement or rescue
2 activities.

3 (3) *The owner is a legitimate breeder of working dogs, or is*
4 *supplying dogs for training as working dogs to law enforcement,*
5 *fire agencies, or legitimate professional or volunteer private sector*
6 *working dog organizations.*

7 (4) *The dog is being raised, groomed, socialized, or otherwise*
8 *prepared for duties as a legitimate working dog.*

9 (5) *The dog is being actively used by law enforcement, fire*
10 *agencies, or legitimate professional or volunteer private sector*
11 *working dog organizations for law enforcement, fire service, search*
12 *and rescue, or medical service activities.*

13 ~~(5)~~

14 (6) The owner of a cat or dog provides a letter to the local
15 jurisdiction or its authorized local animal control agency from a
16 California licensed veterinarian stating that due to age, poor health,
17 or illness, it is unsafe to spay or neuter the cat or dog. This letter
18 shall include the veterinarian's license number and shall, if this
19 information is available, include the duration of the condition of
20 the dog or cat, and the date by which the dog or cat may be safely
21 spayed or neutered.

22 (b) An unaltered cat or dog for which an intact permit was issued
23 who ceases to meet the requirements of subdivision (a) is subject
24 to the spay and neuter requirements set forth in Section 122336.1.

25 (c) (1) The amount of the fee for an intact permit shall be
26 determined by the local jurisdiction, and shall be no more than
27 what is reasonably necessary to fund the administration of that
28 jurisdiction's intact permit program.

29 (2) A local jurisdiction shall waive the intact permit fee for an
30 ~~unaltered cat or dog that meets the requirements of paragraph (3)~~
31 ~~or (4)~~ *unaltered cat or dog that meets any of the requirements*
32 *described in paragraphs (3) to (5), inclusive, of subdivision (a),*
33 *and the provisions of subdivision (f) and may waive all or part of*
34 *the intact permit fee for an unaltered cat or dog meeting the*
35 *requirements of paragraph (5) (6) of subdivision (a).*

36 (3) *Any fee assessed by a local jurisdiction pursuant to this*
37 *chapter shall not be duplicative of any other local fee in that*
38 *jurisdiction.*

39 (d) Nothing in this section shall prohibit a local jurisdiction
40 from adopting or enforcing a more restrictive spay or neuter

1 program pursuant to Section 122331, provided that the program
2 allows for a cat or dog to be temporarily or permanently exempted
3 from a spay or neuter requirement for the reasons set forth in
4 paragraphs (3) to ~~(5)~~ (6), inclusive, of subdivision (a), *or the*
5 *provisions of subdivision (f).*

6 (e) Any owner of a cat or dog who is not a resident of California
7 shall be exempted from the permit requirements set forth in this
8 chapter if the owner provides proof, as determined by the local
9 jurisdiction or its authorized local animal control agency, that the
10 cat or dog is temporarily in California for training, showing, or
11 any other legitimate reason, ~~as determined by the local jurisdiction.~~

12 (f) *(1) Any individual or organization breeding animals for*
13 *services provided by guide dogs, signal dogs, or service dogs, as*
14 *defined in subparagraph (C) of paragraph (6) of subdivision (b)*
15 *of Section 54.1 of the Civil Code, shall be presumptively entitled*
16 *to an intact permit issued pursuant to this chapter.*

17 *(2) Any animal possessed by any individual with a disability*
18 *protected by the federal Americans with Disabilities Act shall be*
19 *exempt from the provisions of this chapter if the animal is providing*
20 *guide dog, service dog, or signal dog services, as defined in*
21 *subparagraph (C) of paragraph (6) of subdivision (b) of Section*
22 *54.1 of the Civil Code.*

23 *(3) Guide dog, signal dog, and service dog programs licensed*
24 *by the State of California are exempt from all of the provisions of*
25 *this chapter.*

26 27 Article 4. Funding 28

29 122336.3. (a) (1) Any civil penalty collected pursuant to
30 subdivision (b) of Section 122336.1 shall be used for funding the
31 administration, outreach, and enforcement activities set forth in
32 Article 5 (commencing with Section 122336.4).

33 (2) To the extent that funding is available pursuant to this
34 chapter, a local animal control agency shall establish a free and
35 low-cost spay and neuter program for low-income individuals.
36 The agency shall undertake outreach efforts to inform qualified
37 persons about these programs.

38 (b) All permit fees collected pursuant to subdivision (c) of
39 Section 122336.2, shall be used for funding the administration of

1 the permit program in the local jurisdiction in which the permits
2 are issued.

3
4 Article 5. Enforcement
5

6 122336.4. A local animal control agency shall be responsible
7 for enforcing, conducting outreach efforts in connection with, and
8 administering, this chapter.

9 SEC. 3. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 a local agency or school district has the authority to levy service
12 charges, fees, or assessments sufficient to pay for the program or
13 level of service mandated by this act, within the meaning of Section
14 17556 of the Government Code.

15 SEC. 4. This act shall become operative on April 1, 2008.